

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0609/1dn
GMM:kmg:pg

October 13, 2000

Representatives Jeskewitz and Plale:

This redraft makes all of the following changes to the original draft:

1. Shortens from 30 days to 72 hours the maximum age of a newborn child who can be taken into custody under the draft. Note that the draft also provides a little wiggle room for the person taking the child into custody by describing the child as “a child whom the law enforcement officer . . . *reasonably believes* to be 72 hours old or younger.”
2. Specifies unequivocally that a parent who relinquishes his or her newborn child is immune from prosecution for child abandonment or neglecting a child for any act or omission in connection with that relinquishment.
3. Deletes all of the language from the previous draft about providing information and materials to the parent, thereby leaving it up to the individual hospitals and local safe-haven programs to develop their own information and materials.
4. Adds language to clarify that notice of the TPR proceeding is not required to be given to a parent who has exercised the right to remain anonymous under the draft.
5. Adds language to clarify that a person taking into custody a newborn child who may have been abused or neglected is not required to report under the child abuse reporting law. Because the draft does not contain the requirement that the child be unharmed, a person taking the child into custody is caught in a dilemma between the duty to respect the parent's right to remain anonymous and the duty to report under the child abuse reporting law unless the person is exempted from reporting under that law.

If you have any questions about any of these changes or about the draft in general, please do not hesitate to contact me at the phone number or e-mail address listed below.

Gordon M. Malaise
Senior Legislative Attorney
Phone: (608) 266-9738
E-mail: gordon.malaise@legis.state.wi.us